

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL L. OVERTON,
Plaintiff,
v.
I.B.T. INTERNATIONAL
BROTHERHOOD, *et al.*,
Defendants.

Case No. 2:21-cv-01366-JDP (PC)

ORDER DIRECTING PLAINTIFF TO FILE
AN APPLICATION TO PROCEED IN
FORMA PAUPERIS OR PAY THE FILING
FEE

Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff has not, however, filed a completed *in forma pauperis* affidavit or paid the required filing fee of \$350.00 plus the \$52.00 administrative fee.¹ See 28 U.S.C. §§ 1914(a), 1915(a). Plaintiff will be provided the opportunity either to submit the appropriate affidavit in support of a request to proceed *in forma pauperis* or to submit the required fees totaling \$402.00.

The revised *in forma pauperis* application form includes a section that must be completed by a prison official, which must be accompanied by a certified copy of the prisoner's prison trust account statement for the six-month period immediately preceding the filing of this action. However, this section is for non-CDCR incarcerated prisoners only. Because plaintiff is housed

¹ If leave to file *in forma pauperis* is granted, plaintiff will still be required to pay the filing fee but will be allowed to pay it in installments. Litigants proceeding *in forma pauperis* are not required to pay the \$52.00 administrative fee.

1 in CDCR custody, the CDCR will email plaintiff's certified financial information directly to the
2 court. But plaintiff must still provide a signed and dated application to proceed *in forma*
3 *pauperis*.

4 In accordance with the above, it is hereby ORDERED that:

5 1. Plaintiff shall submit, within thirty days from the date of this order, either a properly
6 completed application to proceed *in forma pauperis* on the form provided by the Clerk of Court,
7 or the required fees in the amount of \$402.00. Plaintiff's failure to comply with this order will
8 result in a recommendation that this action be dismissed.

9 2. The Clerk of the Court is directed to send plaintiff a new Application to Proceed In
10 Forma Pauperis By a Prisoner.

11 IT IS SO ORDERED.
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13 Dated: August 3, 2021
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16 JEREMY D. PETERSON
17 UNITED STATES MAGISTRATE JUDGE
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